

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID SERRANO,)
v. Plaintiff,) Civil Action No. 05 - 1118
v.) District Judge Gary L/ Lancaster
v.) Magistrate Judge Lisa Pupo Lenihan
v.)
LOUIS FOLINO, Superintendent; THOMAS)
JACKSON, Deputy Superintendent; MS.)
DIANA MANSON, Health Care Administrator;)
DR. STAN FALOR, SCI Greene Medical)
Doctor; DR. JEFFREY A. BEARD, Secretary)
of the Department of Corrections; MS.)
SHARON BURKS, Chief Grievance Officer;)
DR. PAUL NOEL, Regional Medical Director;)
JOHN DOE I, Vice President of Health Care)
Services; JOHN DOE II, Correctional Officer)
Defendants.)
)

ORDER

The above captioned case was filed on August 11, 2005, and was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 111), filed on February 15, 2008, recommended that the Motion for Summary Judgment filed by Defendants Noel and Falor (doc. no. 88) be granted and that the Motion for Summary Judgment filed by the Commonwealth Defendants (doc. no. 96) be granted. All parties were served with the Report and Recommendation and Plaintiff filed Objections on February 29, 2008 (doc. nos. 112 & 113). After *de novo* review of

the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

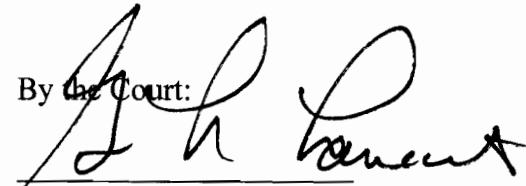
AND NOW, this 13 day of March, 2008;

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Defendants Noel and Falor (doc. no. 88) is **GRANTED** and the Motion for Summary Judgment filed by the Commonwealth Defendants (doc. no. 96) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 111) of Magistrate Judge Lenihan, dated February 15, 2008, is adopted as the Opinion of the court.

IT IS FURTHER ORDERED that **JUDGMENT** is entered in favor of the Defendants and the Clerk of Court is directed to mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

Gary L. Lancaster
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

David Serrano
EF 4816
S.C.I. Fayette
P.O. Box 9999
LaBelle, PA 15450-0999